

REMARKS

This responds to the Office Action mailed on June 30, 2005.

Claims 1, 5, 7, 13, 27, 30, 39 and 41 are amended, claim 23 was previously canceled, claims 2 and 28 are canceled herein, and claims 44-55 are added; as a result, claims 1, 3-22, 24-27 and 29-55 are now pending in this application.

Claims 2 and 28 have been canceled solely to advance the prosecution of the present application, and without prejudice to its further prosecution in an appropriately filed continuing or divisional application.

The specification and abstract have been amended for clarification. No new matter has been added as a result.

The amendments to the claims have been to clarify the claims and are not intended to limit the scope of equivalents to which any claim element may be entitled. The amendments to the claims and new claims have support throughout the specification (See, for example, paragraphs 12, 16 and 17 of the specification and original claims 2 and 28). No new matter has been added as a result. Applicant respectfully requests reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

Interview Summary

Applicant thanks Examiner Cristina Owen Sherr for the courtesy of a telephone interview on September 29, 2005 with Applicant's Representative, Barbara J. Clark. Possible claim amendments were discussed although no agreement was reached.

§101 Rejection of the Claims

Claims 7, 13 and 27 were rejected under 35 USC § 101 as being directed to non-statutory matter. The Examiner has alleged that the claimed subject matter is merely an abstract idea.

Applicant submits that the currently pending claims are not just an abstract idea and respectfully requests withdrawal of this rejection.

§102 Rejection of the Claims

Claims 1-6 and 41-43 were rejected under 35 USC § 102(e) as being anticipated by Elander et al. (U.S. 4,500,750). Claim 2 has been canceled thus rendering this rejection moot as to this claim.

The Office Action states that Elander teaches various elements of the claims.

Applicant respectfully submits that the Examiner has not established a *prima facie* case of anticipation of the present claims. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.

Elander discusses a cryptographic application for interbank verification. Elander utilizes a fixed verification system of encryption and decryption.

In contrast, claim 1, as amended, recites selecting at least one authentication mechanism from the set of authentication mechanisms according to the level of authentication associated with the type of transaction. Also in contrast, claim 41, as amended, recites selecting, by the user or the relying party, at least one type of authentication information.

Applicant cannot find, in Elander, a method which includes any element of choice, i.e., selecting at least one authentication mechanism or selecting at least one type of authentication information. Rather, the methods in Elander are limited to a fixed verification system with no ability by either party to select the authentication mechanism to be used. Elander, therefore, does not appear to teach each element of claims 1 or 41.

Elander does not anticipate the claims, as amended. Applicant respectfully submits that claims 1 and 41 are allowable in their present form. Since claims 3-6 depend from and further define claim 1 and claims 42-43 depend from and further define claim 41, these claims are also believed to be allowable in their present form. Notification to this effect is respectfully requested.

Documents Cited But Not Relied Upon For This Office Action

Applicant need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action, because these references are not made part of the rejections in this Office Action. Applicant is expressly not admitting to this assertion and reserves the right to address the assertion should it form part of future rejections.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Barbara J. Clark at 515-233-3865 or the undersigned attorney at 612-349-9592 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERNIE F. BRICKELL ET AL.

By their Representatives,

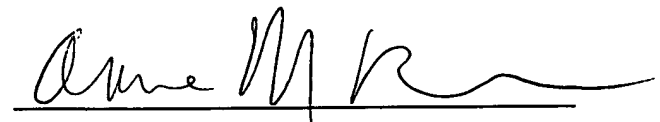
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Date Sept. 30, 2005 By Ann M. McCrackin
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30th day of September, 2005.

Anne M. Richards

Name



Signature